

Approved For Release 2001/08/08 : CIA-RDP85-00375R000200120006-2

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23 MAR 1970

MEMORANDUM FOR THE RECORD

SUBJECT: Mexican Divorces

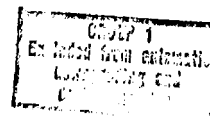
25X1A 1. At the request of the Executive Director-Comptroller, Mr. Coffey, [REDACTED] and I met with him on 17 March to discuss our memorandum of 9 March and to tentatively determine the Agency's policy.

25X1A 2. After a thorough review of the background starting with the [REDACTED] case, which first brought the matter to our attention, the search done by the Office of General Counsel, particularly regarding the Comptroller General's decisions, and our discussions with Mr. Ruddock of the Commission (see attachments), the following was agreed:

a. The Agency will continue as it has in the past to pay allowances on the assumption that, unless successfully challenged, the current marriages of individuals with prior Mexican divorces are valid.

b. As instances of prior Mexican divorces come to our attention through Security, Personnel or other actions, we (Office of Personnel) will insure that the employee is advised of the risks inherent in his situation and urge action to legalize his marital status.

c. Since the critical issue is of survivorship, regarding both insurance and annuities, and since it is understood that Mr. Ruddock is having the problem researched by the Civil Service Commission's legal staff, the Agency will defer taking any specific position in this regard. The Executive Director asked that we follow up no later than 90 days. Should the death of an employee occur before this particular issue is resolved or policy is determined, the case will have to be reviewed on its own merits to determine whether the payment would be made to the present apparent spouse or to the divorced spouse, or, being unable to make a

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confident decision, the courts asked to make the determination. (To be noted here and included in the advice to individuals is that positive action by the insured to designate the beneficiary will obviate the insurance part of the problem.)

d. In the case of [REDACTED] in recognition of the fact that had the determination in 2.a. above been made at the time his case was considered his allowances would have been continued, the Office of Personnel will undertake the preparation of the necessary action to reinstate payment of the allowances and restitution of those not paid subsequent to the original decision.

[REDACTED]
Robert S. Wattles
Director of Personnel

Atts.

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